

# 85-108-X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a wireless transmitting and receiving structure.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature \_\_\_\_\_  
Address \_\_\_\_\_

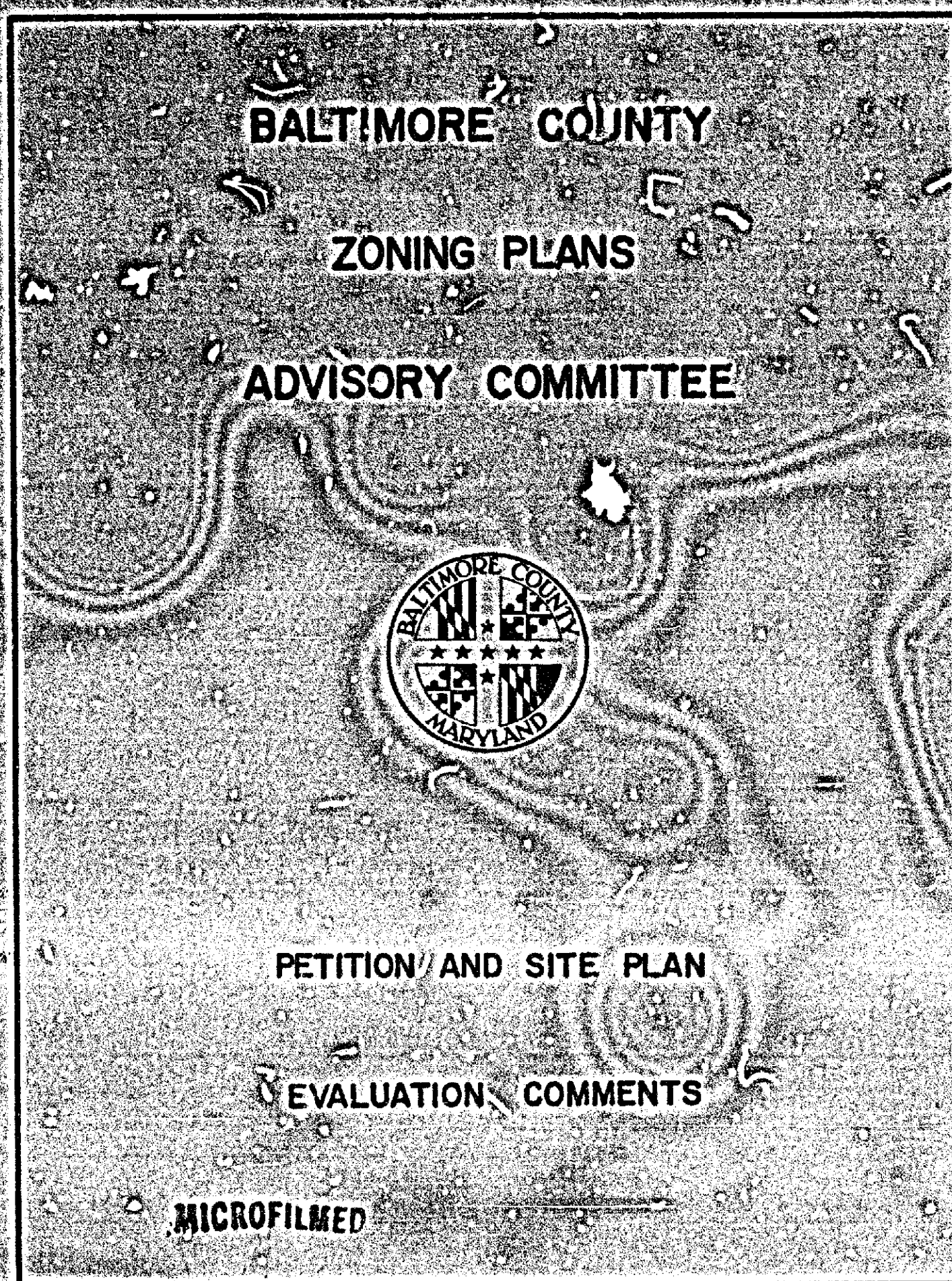
Legal Owner(s):  
McDonogh School  
(Type or Print Name)  
Signature *Thomas N. Keigler*  
Thomas N. Keigler Asst. Head Master  
(Type or Print Name)

City and State \_\_\_\_\_  
Attorney for Petitioner: \_\_\_\_\_  
(Type or Print Name)  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_  
Attorney's Telephone No.: \_\_\_\_\_  
Address \_\_\_\_\_  
Phone No. \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of August, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of October, 1984, at 10:45 o'clock A.M.

Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1 (over)



## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
TO: Zoning Commissioner Date: October 16, 1984  
Norman E. Gerber, Director  
FROM: Office of Planning and Zoning  
Zoning Petition Nos. 85-105-A, 85-106-SpH, 85-107-A, 85-108-X, 85-109-A,  
SUBJECT: 85-114-A, 85-115-A, 85-118-A, 85-119-A, 85-120-A, and 85-121-A

There are no comprehensive planning factors requiring comment on these petitions.

NEG/JGH/sf

*Norman E. Gerber*  
Office of Planning and Zoning

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 15, 1984

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Mr. Thomas N. Keigler  
McDonogh School  
McDonogh, Maryland 21203

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

RE: Case No. 85-108-X (Item No. 16)  
Petitioner - McDonogh School  
Special Exception Petition

Dear Mr. Keigler:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If smaller comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*Nicholas B. Commodari*  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Daft-McCune-Walker, Inc.  
530 East Joppa Road  
Towson, Maryland 21204



BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.  
DIRECTOR

September 28, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #46 (1984-1985)  
Property Owner: McDonogh School  
W/S Woods Rd. 1200' N. from centerline  
McDonogh Rd.  
Acres: 3.67  
District: 2nd

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

#### General Comments:

Public facilities are not directly involved.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Very truly yours,

*Gilbert S. Benson*  
GILBERT S. BENSON, P.E., Asst. Chief  
Bureau of Public Services

GSB:EAM:FWB:sa

P-W Key Sheet  
36 NW 32 Pos. Sheet  
NW 9 1/2 Topo  
67 Tax Map



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
TOWSON, MARYLAND 21204  
404-3211  
NORMAN E. GERBER  
DIRECTOR

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

10-4-84

Re: Zoning Advisory Meeting of 8-28-84  
Item #46  
Property Owner: Mc. Donogh School  
Location: W/S Woods Rd.  
N of McDonogh Rd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on \_\_\_\_\_.
- ☒ Landscaping should be provided on this site and shown on the plan.
- ☒ The property is located in a deficient service area as defined by Bill 170-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is \_\_\_\_\_.
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 170-79, and all conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ☒ Additional comments: \_\_\_\_\_

*James H. Howell*  
James H. Howell  
Chief, Current Planning and Development

CC: James Howell



BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

August 27, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 42, 43, 45, and 46 ZAC Meeting of August 28, 1984  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

Acres:  
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item number 41, 42, 43, 45, and 46.

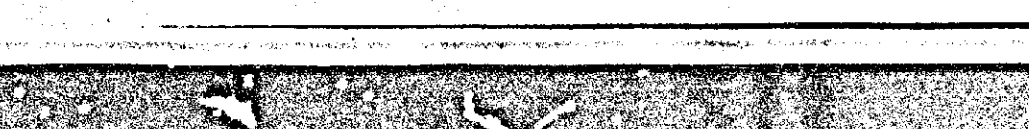
*Nicholas B. Commodari*  
Nicholas B. Commodari  
Traffic Engineering Assoc. II

HSP/cdm

FEB 28 1985



1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator who is responsible for the investigation. The investigator must identify the problem and the scope of the investigation. The investigator must also identify the objectives of the investigation and the methods to be used. The investigator must also identify the resources available for the investigation.



September 24, 1984

Mr. Thomas M. Kaigler, Assistant Headmaster  
McDonogh School  
8600 McDonogh Road  
Baltimore, Maryland 21208

NOTICE OF HEARING  
RE: Petition for Special Exception  
NW/8 of Woods Rd., 1208' N of the  
centerline of McDonogh Road

of Baltimore County

NO. 133211

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE 9/16/84 ACCOUNT P.O. # 1500

AMOUNT 110.00

RECEIVED Dr. Mc Coy & Walker  
FROM Philippe Jr. Allen #26  
FOR Special Employment

6 030\*\*\*\*\*10CD016 2156F

VALIDATION OR SIGNATURE OF CASHIER

Charles E. Burrhas, Chief  
Plans Review

CES:ee

SEAL OF BALTIMORE COUNTY  
BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JADLOM  
ZONING COMMISSIONER

October 16, 1984

Sincerely,  
*3rd*  
AL VOLD JABLON  
Zing Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 134376

DATE *10-22-84* ACCOUNT *01-615-ord*

AMOUNT *\$49.33*

RECEIVED FROM: *Mark P. Conner*

FOR: *Adv + Printing -*  
*Case # 85-168-X*  
*M. Donald Schell*

① 44-44449221a 8224F

VALIDATION OR SIGNATURE OF CARRIER

**DAFT-MCCLINE-WALKER, INC.**

530 East Jopka Road  
Towson, MD 21204  
Telephone: 301-299-3333

Land Planning Consultants  
Landscape Architects  
Engineers

**Description**

3.67 Acre Parcel, Part of the Land of the McDonough School, Northwest Side of Woods Road, North of McDonough Road, Second Election District, Baltimore County, Maryland.

This description is for Special Exception.

Beginning for the same in the center line of Woods Road and at the point located the two following courses from the intersection of the center line of Woods Road and the center line of McDonough Road: (1) North 09 degrees 49 minutes 50 seconds West 390.92 feet, and (2) North 13 degrees 53 minutes 00 seconds East 817.92 feet, the intersection of said center lines being distant 1690 feet, more or less, as measured easterly along said center line of McDonough Road from a sharp bend in said center line and from the southeast end of Lyons Mill Road, running from the aforementioned point of beginning, binding on the center line of said Woods Road, (1) North 15 degrees 32 minutes 00 seconds East 300.00 feet, thence three courses: (2) North 74 degrees 28 minutes 00 seconds West 400.00 feet, (3) South 13 degrees 32 minutes 00 seconds West 300.00 feet, and (4) South 74 degrees 28 minutes 00 seconds East 400.00 feet to the place of beginning.

Containing 3.67 acres of land, more or less.

OFFICE OF THE  
CLERK OF THE  
COURT  
BALTIMORE, MARYLAND

FILED  
AUGUST 6, 1934

Our file No. 82613-F

STATE OF MARYLAND  
CLERK OF THE COURT  
BALTIMORE, MARYLAND  
JAMES M. WILSON  
CLERK OF THE COURT  
BALTIMORE, MARYLAND

FEB 28 1985



85-108-X

**K COMMUNITY NEWSPAPERS OF MARYLAND, INC.**

Westminster, Md., Oct. 4, 1984

IS TO CERTIFY that the annexed advertisement was published in the Carroll County Times, a daily newspaper published in Westminster, Carroll County, Maryland, South Carroll Herald, a weekly newspaper published in Eldersburg, Carroll County, Maryland, Community Times, a weekly newspaper published in Reisterstown, Baltimore County, Maryland.

**K COMMUNITY NEWSPAPERS OF MARYLAND, INC.**

85-108-X

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., October 4, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on October 4, 1984.

**THE JEFFERSONIAN,**

*JB Kentel*  
Publisher

Cost of Advertising 18.00

of the student body. The buses travel over 1,700 miles per day, 300,000 miles per year, covering a 30-mile radius. The structure would enable the school to transmit and receive communications from the buses during the normal school day, facilitating usage and providing increased safety.

The Petitioner chose the instant site because it is adjacent to the maintenance garage and bus parking area. The tower and adjacent building will be well maintained and constantly supervised. Mr. Haile and Mr. Gavrellis testified that, in their opinion, no adverse effect to the surrounding community would occur if the special exception were granted and that the other conditions precedent as delineated in Section 502.1, Baltimore County Zoning Regulations (BCZR), would be satisfied.

The Petitioner seeks relief from Section 1A02.3.B.31, pursuant to Section 502.1, BCZR, for a special exception to construct a wireless transmitting and receiving structure.

It is clear that the BCZR permit the use requested by the Petitioner in a R.C.3 Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity of the proposed use. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception as applied for should be granted, with certain restrictions as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not

ORDER RECEIVED FOR FILING  
DATE *Oct 25 1984*  
BY *John P. [Signature]*

**PETITION FOR SPECIAL EXCEPTION**

2nd Election District

LOCATION: Northwest side of Woods Road, 1208 feet North of the centerline of McDonogh Road

DATE AND TIME: Monday, October 22, 1984 at 10:45 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception to permit a wireless transmitting and receiving structure.

Being the property of McDonogh School as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

actually adversely affect the public interest. The facts and circumstances of the use proposed by the Petitioner do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

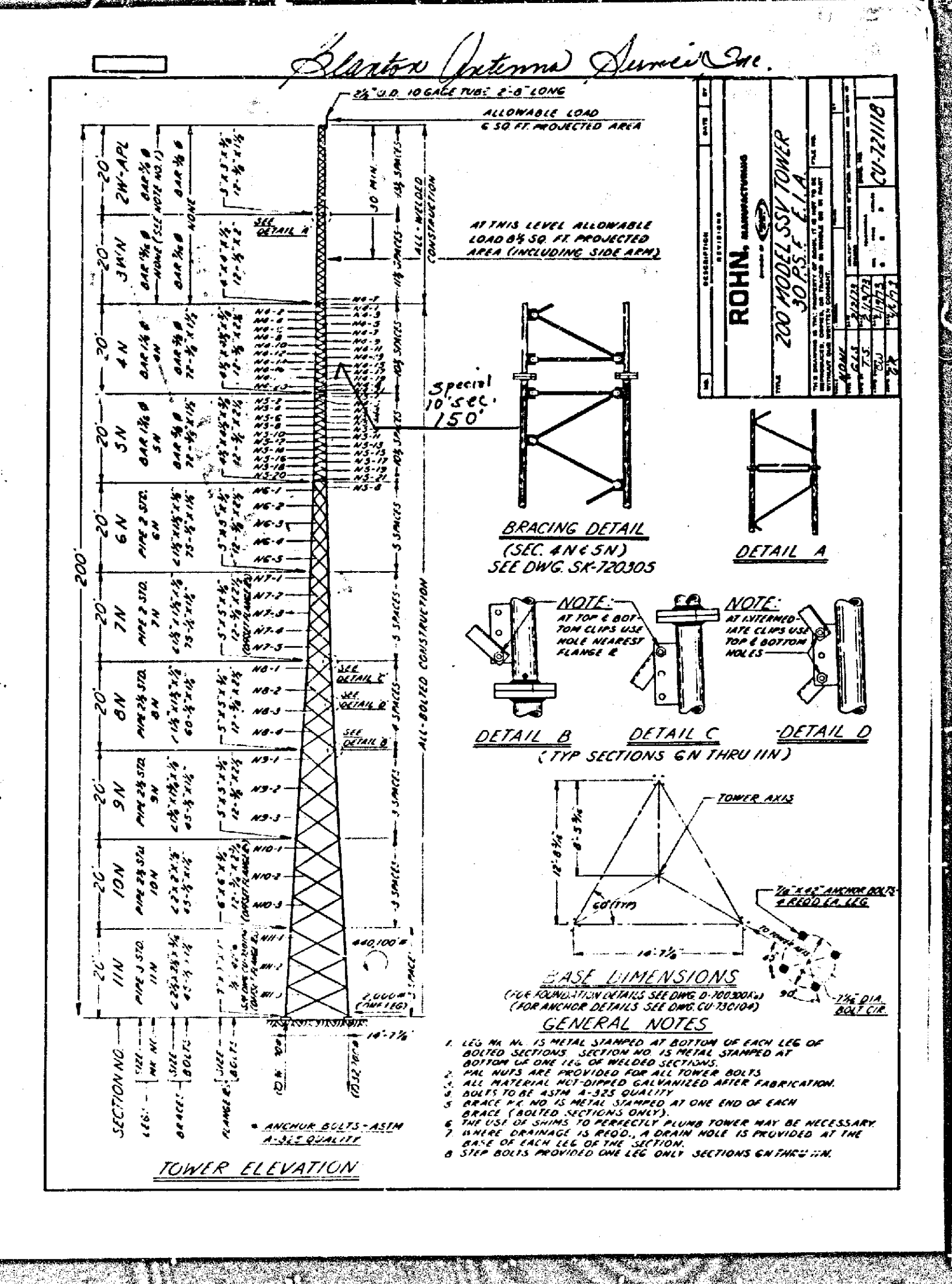
The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of October, 1984, that the Petition for Special Exception for a wireless transmitting and receiving structure be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. A fence at least seven feet in height shall be constructed around the structure.

ORDER RECEIVED FOR FILING  
DATE *Oct 25 1984*  
BY *John P. [Signature]*



3. The tower shall be utilized for only school related or educational purposes unless a public hearing is held.

*[Signature]*  
Zoning Commissioner of Baltimore County

Ad/srl  
cc: Herbert R. O'Connor, III, Esquire  
People's Counsel

ORDER RECEIVED FOR FILING  
DATE *Oct 25 1984*  
BY *John P. [Signature]*

IN RE: PETITION SPECIAL EXCEPTION  
NW/4 of Woods Road, 1,208' N  
of the centerline of McDonogh  
Road - 2nd Election District  
McDonogh School,  
Petitioner

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 85-108-X

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Petitioner herein requests a special exception for a wireless transmitting and receiving structure, as more fully described on Petitioner's Exhibits 1 and 2.

The Petitioner, by Thomas Keigler, its Assistant Head Master, appeared and testified and was represented by Counsel. Also appearing and testifying were Edmund F. Haile, a registered engineer, and George E. Gavrellis, an expert planner. There were no Protestants.

The Petitioner, a private school within an R.C.3 Zone, proposes to replace an existing transmitting antenna with a new structure due to the construction of the Northwest Expressway. Until September, 1982, the school utilized a well for its water. Due to contamination caused by the construction of the Northwest Expressway, it switched to City water. On top of the tower previously used to store water was the antenna used to transmit to the 22 buses servicing McDonogh's student body. Since the switch to City water, the unused tower has deteriorated and now must be razed. The proposed structure would be 200 feet high with a 20-foot antenna whip protruding from the top and have a base of 14 feet which would taper off at the top. See Petitioner's Exhibit 2.

The need for a transmitting and receiving structure for the school is obvious. Over 1,000 students are transported by bus daily, comprising about 90%

**LAW OFFICES**  
COOK, HOWARD, DOWNES & TRACY  
20 ALLEGHENY AVENUE  
P.O. BOX 5517  
TOWSON, MARYLAND 21204

October 22, 1984

**HAND DELIVERED**

The Honorable Arnold E. Jablon  
Zoning Commissioner  
County Office Building  
Chesapeake Avenue  
Towson, Maryland 21204

Re: McDonogh School  
Petition for Special Exception  
Our File No. 5579-16288

Dear Mr. Jablon:

This will serve to enter my appearance on the matter which you heard this morning. Kindly send me a copy of your Order.

Very truly yours,  
*Herbert R. O'Connor III*  
Herbert R. O'Connor, III

HRO'C/kg

FEB 28 1985



